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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,838	02/11/2002	Takashi Tanaka	219418US3	9017
22850	7590	03/01/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LAMB, BRENDA A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,838

Applicant(s)

Tanaka et al

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 12/01/03, 1/08/04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-12 is/are pending in the application.
- Of the above claim(s) 9-12 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 2 and 5-8 is/are rejected.
- ☒ Claim(s) 3 and 4 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5/20/02 ☒ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

Office Action Summary

Applicant's election with traverse of Group I in Paper No. filed 12/01/03 and 1/08/04 is acknowledged. The traversal is on the ground(s) that of no burden to examine Group II. This is not found persuasive because the apparatus as claimed can be used to practice another and materially different process such as one supplying a cleaning liquid to the surface of the substrate and therefore the search and issues to be addressed for Group I would be different than for Group II.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Bianca in view of Willis

La Bianca teaches the design of an apparatus for forming a coating film on a substrate by applying a coating liquid to the substrate which is comprised of the following element: a holding means 4 for holding the substrate horizontally; a rotation mechanism 8 for rotating the holding means such that the substrate rotates in a horizontal plane; and a atomizing spray nozzle for dropping the coating liquid onto the substrate as shown in Figure 1. La Bianca fails to the apparatus includes a gyrating force generation means. However, Willis teaches a spray nozzle includes a gyrating force gyrating means (element 6) for giving a gyrating force to the coating material applied to the substrate. Therefore, it would have been obvious to modify the La Bianca apparatus by substituting its atomizing spray head/nozzle for the Willis spray head/nozzle with gyrating force generation means (element 6) for the taught advantage of the Wills spray head which does not require a power source to atomize the coating material. With respect to claims 2, and 6, Willis shows a plurality of vanes fins 6 arranged on inner wall of the nozzle which form a groove between the adjacent fins so as to flow the coating in a spiral manner. With respect to claim 7, Willis in Figure 4 shows the coating fluid supplied via ports 11,10 and a fluid supplied via port 15 which is different from the coating liquid are separately provided in the hole of the spray head, mixed in passing through the hole in the nozzle and the mixed liquid is given a gyrating force by the fins and is dropped from the nozzles. With respect to claims 5 and 8, Willis shows that a section of the wall of the hole of the nozzle at the exit portion of the nozzle or spray head is tapered.

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Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number 571-272-1231. The examiner can normally be reached on Monday through Tuesday and Thursday through Friday with alternate Wednesdays off.

B. Lamb/af

February 3, 2004

  
BREND A. LAMB  
PRIMARY EXAMINER